

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR. and JANE
DOE,

Plaintiff,

vs.

FATHER ERIC ENSEY, FATHER
CARLOS URRUTIGOITY, DIOCESE OF
SCRANTON, BISHOP JAMES C. TIMLIN,
THE SOCIETY OF ST. JOHN, THE
PRIESTLY FRATERNITY OF ST. PETER
and ST. GREGORY'S ACADEMY,

Defendant.

Case No.: 3 CV 02-0444

Judge: Hon. John E. Jones

NOTICE OF FILING CORRECTED EXHIBIT

Attached hereto is the corrected Affidavit of John Zoscak, Jr.

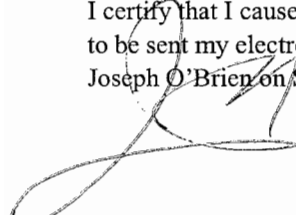
The previously filed Affidavit of John Zoscak, Jr. (Exhibit 'M') contained a
typographical error.

Dated this 4th day of August, 2004.



James Bendell, WSBA # 20820
Co-counsel for Plaintiffs

I certify that I caused a true copy of this pleading
to be sent my electronic mail to Joseph Leeson,
Joseph O'Brien or Sal Cognetti on 8/4/04.



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AFFIDAVIT OF JOHN ZOSCAK

Being first duly sworn, I declare as follows:

1. I attended St. Gregory's Academy and graduated in 1999.
2. I also enrolled in September, 1999 at the Society of St. John for studies.
3. During either the Winter or Spring of my second year at the Society of St. John Fr. Carlos Urrutigoity asked me to sleep in the same bed with him. I initially told him that I would feel uncomfortable doing this. Fr. Urrutigoity said that the reason I felt uncomfortable was because I had a puritanical attitude, and that this was due to a bad relationship with my father. He said that sleeping with him would heal this problem. I therefore agreed to do so. At the time I had great trust and respect for Fr. Urrutigoity and though he was a perfect priest.

4. For the first few months of sleeping with Fr. Urrutigoity nothing untoward happened. Then one night I was awoken because Fr. Urrutigoity had his hand touching my abdomen. Fr. Urrutigoity then gradually worked his hand down to my private area and grabbed my penis. At that point I grabbed his hand and pulled it up to my chest. I held it there for a while and finally let go. Fr. Urrutigoity then moved his hand away.


5. I told Fr. O'Conner about this but did not tell anyone else for a long time. Fr. Urrutigoity later told me that he did not do this and that he was sleeping. He asked me to believe him.

6. I finally told these facts to the Chaplain here at Christendom College. He told me to contact the District Attorney which I did about over a month ago. I was informed by the DA's office that criminal prosecution was barred because of the statute of limitations.


John Zoscak

STATE OF VIRGINIA)
)ss
COUNTY OF Warren)

SUBSCRIBED AND SWORN to before me this 17 day of July, 2004.


NOTARY PUBLIC residing at 230 N. Royal Ave Farm Royal, Va
My commission expires January 31, 2006 22630